

Amendment to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended): A distribution server comprising:

~~an input unit that inputs image data;~~

~~a monitoring trigger information generating unit that generates monitoring trigger information, and that performs a receiving bit rate monitoring at a receiving side;~~

~~an image data generating reconstruction unit that generates a first image data fragment and a second image data fragment, which is a next fragment of said first image data fragment that reconstructs said image data and said monitoring trigger information;~~

~~a communication unit that transmits and receives data to and from a terminal through a communication path; and~~

~~a bit rate switching control unit that controls said image data generating reconstruction unit to change an image bit rate,~~

~~wherein said image data generating reconstruction unit inserts said-generated monitoring trigger information, which indicates a transmission start time of said second image data fragment, into said first image data fragment and inserts data size information, which indicates a data size of said second image data fragment, into said second image data fragment; input through said input unit, for executing a receiving bit rate calculation in a receiving side by dividing said data size of said second image data fragment by an interval of time between the start time calculated~~

based on said transmission start time and the end time detected based on said data size of said second image data fragment, and

~~wherein said communication unit transmits a data fragment, which includes said image data, said monitoring trigger information, and data size information of said data fragment for detecting a completion of said receiving bit rate monitoring, and~~

wherein when said communication unit receives an image bit rate switching request command from said terminal which is generated based on said receiving bit rate calculation, said bit rate switching control unit controls said image data generating reconstruction unit to change an image bit rate ~~by changing an image size.~~

2-4. (canceled).

5. (currently amended): A terminal device comprising:

a communication unit that receives a first image data fragment and a second image data fragment, which is a next fragment of said first image data fragment, a data fragment from a distribution server through a communication path, path;

~~wherein the data fragment includes an image data, a monitoring trigger, and data size information;~~

a reproducing unit that reproduces said received first image data fragment and said received second image data fragment;

a monitoring unit that monitors a receiving bit rate of said received first image data fragment and said received second image data fragment, ; and

~~an analysis unit that analyzes said received data fragment,~~

wherein said first image data fragment includes monitoring trigger information,
which indicates a receiving start time of said second image data fragment,~~said~~
~~analysis unit extracts said monitoring trigger from said data fragment and reads out~~
~~said data size information from said data fragment,~~

wherein said second image data fragment includes data size information,
which indicates a data size of said second image data fragment,

wherein said monitoring unit executes a receiving bit rate calculation by
dividing said data size of said second image data fragment by an interval of time
between the start time calculated based on said receiving start time and the end
time detected based on said data size of said second image data fragment,~~calculates~~
~~a receiving bit rate based on said data size information, and a time between a~~
~~receiving start time of said data fragment specified by a monitoring trigger included~~
~~in the previous data fragment and a time when receiving of said data fragment~~
~~finishes specified by said data size information, and~~

wherein said communication unit ~~monitoring unit feeds~~ sends distribution bit
rate switching information to said distribution server for changing image bit rate in
said distribution server, in response to a result of said receiving bit rate calculation of
~~said image data through said communication unit in response to said receiving bit~~
~~rate to be monitored.~~

6. (currently amended): The terminal device according to claim 5, further
comprising:

a timer that counts time,

wherein said monitoring unit compares the time of said timer with said
receiving start time specified by said monitoring trigger included in said first image

data fragment ~~the previous data fragment~~, and starts said monitoring of the receiving bit rate from said receiving start time.

7. (previously presented): The terminal device according to claim 5, wherein said monitoring unit compares a measured receiving bit rate with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

8. (previously presented): The terminal device according to claim 5, wherein said monitoring unit monitors a residual amount of said received image data stored at a recording unit, compares it with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

9. (previously presented): The terminal device according to claim 5, further comprising:

a decoder that decodes said received image data,

wherein said monitoring unit monitors a frame rate of said decoder, compares it with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

10-12. (canceled).

13. (previously presented): The terminal device according to claim 5, further comprising:

a display unit that displays said received image data; and
an input instruction unit that receives an input from a user,
wherein an instruction that changes a bit rate through said input instruction
unit in regard to the image data displayed at said display unit is received and said
instruction is fed as said switching information.